

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

STEVEN KIRBY, an individual,

Petitioner,

vs.

CITY OF SAN MATEO, by and through the
CITY COUNCIL OF THE CITY OF SAN
MATEO; MATT FABRY, an individual, in
his capacity as the Director of the Public
Works Department of the City of San Mateo;
and the SUSTAINABILITY &
INFRASTRUCTURE COMMISSION OF
THE CITY OF SAN MATEO,

Respondents,

CROWN CASTLE FIBER LLC, a New York
limited liability company; and VERIZON
WIRELESS,

Real Parties in Interest.

Case No. 3:25-cv-06165-JD

**[PROPOSED] ORDER GRANTING CROWN
CASTLE AND VERIZON'S MOTION TO
DISMISS**

Date: September 18, 2025
Time: 10:00 a.m.
Judge: Hon. James Donato
Ctrm: Courtroom 11, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Complaint Filed: June 20, 2025
Trial: TBD

[PROPOSED] ORDER

Upon Defendants/Real Parties in Interest Crown Castle Fiber LLC (“Crown Castle”) and GTE Mobilnet of California Limited Partnership d/b/a Verizon Wireless’s (“Verizon”) Motion to Dismiss Petitioner Stephen Kirby’s (“Petitioner”) Verified Petition for Writ of Mandate, and upon review of the papers submitted and oral argument presented by counsel, and good cause appearing, it is hereby **ORDERED THAT:**

1. Defendants Crown Castle and Verizon’s Motion is **GRANTED**;
2. Petitioner’s claims are **DISMISSED WITH PREJUDICE AND WITHOUT LEAVE TO AMEND.**

IT IS SO ORDERED.

Dated: _____

HON. JAMES DONATO
DISTRICT COURT JUDGE